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SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

July 2010 Grand Jury /

10 UNITED STATES OF AMERICA, ) Case No. 10CR4246-JM  
11 )  
12 Plaintiff, ) I N D I C T M E N T  
13 ) (Superseding)  
14 v. )  
15 ) Title 18, U.S.C., Sec. 2339A(a) -  
16 BASAALY SAEED MOALIN (1), ) Conspiracy to Provide Material  
17 MOHAMED MOHAMED MOHAMUD (2), ) Support to Terrorists; Title 18,  
18 aka "Mohamed Khadar" ) U.S.C., Sec. 2339B(a)(1) -  
19 aka "Sheikh Mohamed" ) Conspiracy to Provide Material  
20 ISSA DOREH (3), ) Support to Foreign Terrorist  
21 aka "Sheikh Issa" ) Organization; Title 18, U.S.C.,  
22 AHMED NASIR TAALIL MOHAMUD (4), ) Sec. 956 - Conspiracy to Kill in  
23 a Foreign Country; Title 18,  
24 Defendants. ) U.S.C., Secs. 1956(a)(2)(A)  
25 ) and (h) - Conspiracy to Launder  
26 ) Monetary Instruments; Title 18,  
27 ) U.S.C., Sec. 2339A(a) -  
28 ) Providing Material Support  
to Terrorists

The grand jury charges:

INTRODUCTORY ALLEGATIONS COMMON TO ALL COUNTS

1. Al-Shabaab is a violent and brutal militia group that uses intimidation and violence to undermine Somalia's Transitional Federal Government ("TFG") and its supporters. On or about February 26, 2008, the U.S. Department of State designated "Al-Shabaab" as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act, as amended, and as a Specially Designated Global

WPC:CPH:kst:San Diego  
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1 Terrorist under Section 1(b) of Executive Order 13224, as amended.  
 2 Al-Shabaab is also known by the following names, among others:  
 3 al-Shabab; Shabaab; the Youth; Mujahidin al-Shabaab Movement; the  
 4 Youth Movement; Mujahidin; MYM; Harakat Shabaab al-Mujahidin; Hizbul  
 5 Shabaab; Hisb'ul Shabaab; al-Shabaab al-Islamiya; al Shabaab al-Islam;  
 6 al-Shabaab al-Jihaad; Youth Wing; and "the Unity of Islamic Youth."

7 2. Throughout al-Shabaab's war against the TFG and its  
 8 Ethiopian and African Union supporters, al-Shabaab has used harassment  
 9 and targeted assassinations of civilians, improvised explosive  
 10 devices, rockets, mortars, automatic weapons, suicide bombings, and  
 11 general tactics of intimidation and violence.

12 3. Until his death on or about May 1, 2008, Aden Hashi Ayrow,  
 13 aka "Shiqalow," aka "Sheikhalow," aka "Muja Dhuub," aka "Slim Limbs,"  
 14 was a prominent military leader of al-Shabaab. Ayrow called for  
 15 foreign fighters to join al-Shabaab in a "holy war" against the  
 16 Ethiopian and other African forces in Somalia. Ayrow's call was  
 17 echoed by al-Qaeda leadership, including Usama bin Laden and Ayman  
 18 al-Zawahiri, and fighters from other countries have traveled to  
 19 Somalia to engage in violent jihad.

20 Count 1

21 CONSPIRACY TO PROVIDE MATERIAL SUPPORT TO TERRORISTS

22 Beginning on a date unknown to the grand jury, and continuing to  
 23 at least on or about August 5, 2008, within the Southern District of  
 24 California, and elsewhere, defendants BASAALY SAEED MOALIN, MOHAMED  
 25 MOHAMED MOHAMUD, aka "Mohamed Khadar," aka "Sheikh Mohamed," ISSA  
 26 DOREH, aka "Sheikh Issa," and AHMED NASIR TAALIL MOHAMUD did  
 27 unlawfully and knowingly conspire and agree with each other, and with  
 28 other persons known and unknown to the grand jury, to provide material

1 support and resources, to wit: currency and monetary instruments,  
2 knowing and intending that the material support and resources were to  
3 be used in preparation for and in carrying out violations of Title 18,  
4 United States Code, Section 956, conspiracy to kill persons in a  
5 foreign country, and Title 18, United States Code, Section 2332a(b),  
6 conspiracy to use a weapon of mass destruction outside of the  
7 United States; all in violation of Title 18, United States Code,  
8 Section 2339A(a).

9 Count 2

10 CONSPIRACY TO PROVIDE MATERIAL SUPPORT  
11 TO FOREIGN TERRORIST ORGANIZATION

12 Beginning on or about February 26, 2008, and continuing to at  
13 least on or about August 5, 2008, within the Southern District of  
14 California, and elsewhere, and occurring in and affecting interstate  
15 and foreign commerce, defendants BASAALY SAEED MOALIN, MOHAMED MOHAMED  
16 MOHAMUD, aka "Mohamed Khadar," aka "Sheikh Mohamed," ISSA DOREH, aka  
17 "Sheikh Issa," and AHMED NASIR TAALIL MOHAMUD did unlawfully and  
18 knowingly conspire and agree with each other, and with other persons  
19 known and unknown to the grand jury, to provide material support and  
20 resources, to wit: currency and monetary instruments, to a foreign  
21 terrorist organization, namely, al-Shabaab, which has been designated  
22 as a foreign terrorist organization since on or about February 26,  
23 2008, knowing that the organization was designated as a terrorist  
24 organization (as defined in Title 18, United States Code,  
25 Section 2339B(g)(6)) and that the organization had engaged and was  
26 engaging in terrorist activity and terrorism; in violation of  
27 Title 18, United States Code, Section 2339B(a)(1).

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Count 3CONSPIRACY TO KILL IN A FOREIGN COUNTRY

Beginning on a date unknown to the grand jury, and continuing to at least on or about August 5, 2008, within the Southern District of California, and elsewhere, defendants BASAALY SAEED MOALIN, MOHAMED MOHAMED MOHAMUD, aka "Mohamed Khadar," aka "Sheikh Mohamed," ISSA DOREH, aka "Sheikh Issa," and AHMED NASIR TAALIL MOHAMUD did unlawfully and knowingly conspire and agree with each other, and with other persons known and unknown to the grand jury, to commit acts outside the United States that would constitute the offense of murder if committed in the special maritime or territorial jurisdiction of the United States.

OVERT ACTS

In furtherance of said conspiracy and to effect and accomplish the objects thereof, the following overt acts, among others, were committed within the Southern District of California:

1. On or about December 21, 2007, Aden Hashi Ayrow ("Ayrow") advised defendant BASAALY SAEED MOALIN ("MOALIN") by telephone that he urgently needed several thousand dollars. Defendant MOALIN replied that he would take care of the issue swiftly with "Sheikh Issa."
2. On or about December 21, 2007, defendant MOALIN advised defendant ISSA DOREH ("DOREH") by telephone that "one dollar a day per man" was needed for the forces.
3. On or about December 22, 2007, defendant MOALIN advised defendant AHMED NASIR TAALIL MOHAMUD by telephone that money was needed for "the young men who are firing the bullets."

4. On or about January 20, 2008, after telling defendant MOALIN that "we planted a land mine" for an individual "who was traveling on that road; he was almost hit," Ayrow instructed defendant MOALIN by telephone to tell "Sheikh Mohamed" that "he must let us know the amount of money we can expect every month, even if it is one hundred dollars."
5. On or about February 13, 2008, defendants MOALIN, DOREH and MOHAMED MOHAMED MOHAMUD caused the transfer of \$2,000 from San Diego, California, to Somalia.
6. On or about February 14, 2008, defendant MOALIN told Ayrow by telephone that "Yusuf Mohamed Ali" was the recipient name used to transfer a total of \$2,000 to Ayrow.
7. On or about April 12, 2008, Ayrow told defendant MOALIN by telephone that "it is the time to finance the jihad."
8. On or about April 12, 2008, defendant MOALIN told an individual by telephone that "if those men are to eliminate those men . . . we must send someone to talk to the people . . . we can find thirty men who can pay small amounts."
9. On or about April 17, 2008, defendant MOALIN told defendant MOHAMED MOHAMED MOHAMUD by telephone that "calls are coming from the man" and that defendant MOHAMUD should hold back twenty or thirty trusted people at the mosque to tell them to contribute money.
10. On or about April 23, 2008, defendants MOALIN, DOREH and MOHAMED MOHAMED MOHAMUD caused the transfer of \$3,000 from San Diego, California, to Somalia.

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1 11. On or about April 24, 2008, defendant MOALIN advised Ayrow  
2 by telephone that the "three bundles" (code for \$3,000)  
3 were sent from San Diego via Amal.

4 12. On or about July 8, 2008, defendant DOREH advised defendant  
5 MOALIN by telephone that the money had been sent, and that  
6 "Dhunkaal Hersi" was the code name used as the recipient's  
7 name.

8 13. On or about July 13, 2008, after being advised by uncharged  
9 co-conspirator #1 in Somalia that it was difficult to  
10 replace ammunition and that each rocket-propelled grenade  
11 cost \$270, defendant MOALIN told uncharged co-conspirator  
12 #1 by telephone that "five cartons" (code for \$5,000) were  
13 on their way, but would be broken into several transfers.

14 14. On or about July 15, 2008, defendant DOREH caused the  
15 transfer of \$2,280 from San Diego, California, to Somalia.

16 15. On or about July 18, 2008, defendant MOALIN and defendant  
17 AHMED NASIR TAALIL MOHAMUD discussed over the telephone  
18 that they would "lay low" and would proceed with the  
19 financial support under the "pretense" of helping the poor.

20 16. On or about July 23, 2008, defendant MOALIN caused the  
21 transfer of \$1,650 from San Diego, California, to Somalia.

22 All in violation of Title 18, United States Code, Section 956.

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Count 4CONSPIRACY TO LAUNDER MONETARY INSTRUMENTS

Beginning on a date unknown to the grand jury, and continuing to at least on or about August 5, 2008, defendants BASAALY SAEED MOALIN, MOHAMED MOHAMED MOHAMUD, aka "Mohamed Khadar," aka "Sheikh Mohamed," ISSA DOREH, aka "Sheikh Issa," and AHMED NASIR TAALIL MOHAMUD did unlawfully and knowingly conspire and agree to transmit and transfer monetary instruments and funds from a place in the United States to a place outside the United States, to wit: Somalia, with the intent to promote the carrying on of specified unlawful activities, to wit: providing material support to a foreign terrorist organization, in violation of Title 18, United States Code, Section 2339B(a)(1); providing material support to terrorists, in violation of Title 18, United States Code, Section 2339A(a); and conspiracy to kill persons in a foreign country, in violation of Title 18, United States Code, Section 956; all in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and (h).

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Count 5

PROVIDING MATERIAL SUPPORT TO TERRORISTS


On or about January 3, 2008, within the Southern District of California, and elsewhere, defendant BASAALY SAEED MOALIN, did unlawfully and knowingly provide and attempt to provide material support and resources, to wit: a house in Somalia, knowing and intending that the material support and resources were to be used in preparation for and in carrying out a violation of Title 18, United States Code, Section 956, conspiracy to kill persons in a foreign country; all in violation of Title 18, United States Code, Section 2339A(a).

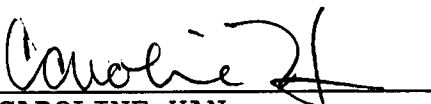
DATED: January 14, 2011.

A TRUE BILL:

  
Foreperson

LAURA E. DUFFY  
United States Attorney

By:   
WILLIAM P. COLE  
Assistant U.S. Attorney

By:   
CAROLINE HAN  
Assistant U.S. Attorney